

Meeting of 2000-11-7 Special Meeting

MINUTES
SPECIAL CALLED MEETING
LAWTON CITY COUNCIL
NOVEMBER 7, 2000 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
 John Vincent, City Attorney
 Brenda Smith, City Clerk
 LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:20 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
 James Hanna, Ward Two
 Glenn Devine, Ward Three
 John Purcell, Ward Four
 Robert Shanklin, Ward Five
 Barbara Moeller, Ward Six
 Stanley Haywood, Ward Seven
 Michael Baxter, Ward Eight

ABSENT: None.

BUSINESS ITEMS:

1. Receive a presentation on the Parks & Recreation Department's Five-Year Strategic Plan and consider approval of the Plan in concept and direct staff to submit the Plan to the Planning Commission for review and comment. Exhibits: Department Strategic Plan.

Gary Salva, Parks & Recreation Director, emphasized the importance of this presentation. He said this planning effort shows where the department is in providing parks and recreation services; the plan is not a vision or planning for the future but planning for the present through the assessment and inventory which shows the department in a catch-up mode in many ways. Salva said this is not a request for funding but approval of the plan would allow it to serve as a working tool; it should not be placed on a shelf and forgotten but it should be updated and used in the guidance of the department.

A 15 minute video presentation of the Five-Year Plan was shown and the Plan is on file in the City Clerk's Office. Priorities were listed as: 1) Neighborhood Park Renovation; 2) Elmer Thomas Park Master Plan; 3) McMahon Park Improvements - Phase I; 4) Aquatic Center/Pool Renovation; 5) Skateboard/In-Line Hockey Park; 6) West Side Community Recreation Center; 7) New Maintenance Headquarters; 8) Land Acquisition for West Side Community Park; 9) City-Wide Beautification Program; 10) East Side Park Development - Phase II; 11) McMahon Park Improvements - Phase II; 12) Greer Community Park Development; 13) McMahon Auditorium Improvements; 14) Soccer Complex; 15) Expansion of Owens Recreation Center and relocation of department administration offices; 16) Renovation of Cemetery Bell Tower. Executive summary addressed the park inventory, general goals and objectives, the community we serve, park standards, park development, recreation services with age groups, and funding strategies.

Salva said the plan is ambitious and aggressive, and its foundation is based on very realistic needs. The funding strategy calls for multiple funding sources such as the 1995 CIP, the 2000 CIP, the operating budget for the department, application for Community Development block grants, federal funding through the Land and Water Conservation Fund and the Urban Parks & Recreation Recovery Program, and continuing a good relationship with area foundations and civic groups.

Salva said the Lawton Community Theater roof has been mentioned lately, and the department oversees 37 public

buildings. Staff is preparing a plan on maintenance of the roofs for each of these buildings. The Parks & Recreation Commission did not approve funding the LCT roof because the cost estimate was three years old so they directed staff to get a better estimate, and that has been done and cost is under \$30,000, so the Commission, without actually approving it, called it an emergency item and would recommend the City fund it. Salva said the Auditorium, Patterson Center and Owens Center are all leaking, and that he had helped form a recommendation for the possible funding in the amount of \$110,000 for the repair of these emergency-status roofs.

Salva noted those in attendance in support of the plan which would benefit the community and said they would like to speak. He said the recommendation is for Council to approve the plan in concept and allow it to be presented to the Planning Commission to get their opinion as to whether it should be entered as part of the City's Comprehensive Plan, or simply to be used as a management tool.

Shanklin said the Parks & Recreation Department's budget, including the Museum, is \$4.5 million annually, so the City makes a substantial expenditure in this regard. He said McMahon Park, McMahon Auditorium, and anything that the McMahon Foundation has donated in whole or in part to the City of Lawton should be taken care of and projects finished, such as the ballparks on 38th Street. Shanklin said it is a good plan.

MOVED by Shanklin, SECOND by Moeller, to approve this five-year plan to be sent to the Planning Commission.

Purcell said it is a good plan; it is a five-year plan for \$13 million and he asked if there was a realistic number that could be reached in the priority list in the next five years. He said even with all the funding sources listed, it would be hard to come up with \$13 million in the next five years. Salva said the priorities are subject to change and some lower priorities may cost less than some of the higher priorities and may be done first for that reason.

Salva said the first priority, neighborhood park renovation, has already started as Council directed the allocation of \$275,000 this year. The second priority, Elmer Thomas Park Master Plan, is already in progress and Council allocated \$10,000 for a consultant who will soon begin work. The third priority, McMahon Park Improvements, many things were included in the original master plan for this park but because of funding, it was not implemented and this ranks high in priority. The fourth priority is an aquatics center, and standards show that a population of 80,000 should have four community pools but the one pool in place now is not even ADA accessible. Salva said he hoped more money would be generated from the sales tax than is anticipated and that some of those funds, five years from now, could be used for some of these projects. He said he felt that most of the items could be accomplished within the five year time frame.

Moeller said she felt the plan was realistic and the projects will upgrade the quality of life for the citizens of the community. She complimented staff on the plan.

Baxter agreed the plan was very good and suggested that priority five, the skateboard park, be considered as the highest priority. Baker said he was finalizing a recommendation on the 1995 CIP and the skateboard park is being seriously considered due to community and Council support of this project. Baker said commitments made by the City to the McMahon Foundation must be kept to maintain credibility with that foundation, and that will be reflected in the recommendation for use of the 1995 CIP. Baker congratulated staff on the work on the plan.

Marilyn Fever, Chamber of Commerce and Industry, pointed out that the Certified Cities effort included segments on parks, open space, and human services, and each of those segments recommended a plan such as this. She said it is important to tourism and to attract industry and business to be able to show programs such as these that the citizens can take advantage of and have an outstanding quality of life.

Neil Springborn, Parks & Recreation Commission Chairman, spoke in favor of the plan and the proposed skateboard park. He said he visited Elk City a number of years ago and was impressed by the parks and open space, and it left a lasting, positive impression in his mind. Springborn said the citizens contributed and volunteered totally to construct the new Kids Zone Playground, so there is interest in having these facilities and a skateboard park. Mayor Powell noted the City of Lawton also contributed funding and worked on Kids Zone.

Mayor Powell noted the number of young persons in attendance and asked that a representative present their views. Brandon Smith, Eisenhower High School Student Council President, said the Inner City Student Council members are present from all three high schools. He said the purpose of their organization is to bring together the leaders from each school and try to develop community projects they can assist with, and they were concerned in seeing that the plans for parks and recreation were carried out. Smith said a lot of the students at Eisenhower were interested in having a skateboard park, and the students were present to encourage Council to support the projects being presented. Mayor Powell said the Inner City Student Council was a giant step in bringing cohesiveness to the students in all of the high schools and he recommended that effort.

Roy Pennepacker, Cemetery Board Chairman, said he had served on the Board for about eight years and the most recurring comment received was a request to renovate the bell tower and make it operational to where it will play chimes. He requested support of that portion of the plan.

Dave Sandstrom, McMahon Auditorium Authority Chairman, requested support of the plan in general, noting he had previously sent letters relative to some of the emergency situations at the Auditorium. He said the plan is a starting point and priorities and money dictate how far we can get. Sandstrom said they appreciated the Council's decisions in that regard.

Salva said he had fine staff members to work with on this plan and that it was a department plan with the support of the commissions and boards and the citizens.

Purcell said youth are in the audience who requested a skateboard park some time back. He asked to amend the motion to approve the plan and move the skateboard, in-line hockey park to number one priority. Shanklin said he would accept the amendment to the motion. Mayor Powell asked for roll call to approve the concepts that were presented.

VOTE ON MOTION AS AMENDED: AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

2. Consider authorizing the execution of a five-year Surface Agricultural Lease Contract between the Commissioners of the Land Office and the City of Lawton, ratifying the bid and down-payment source for this lease contract; and directing the payment and source for the yearly lease amount due. Exhibits: Contract.

Vincent said Council authorized staff to bid on the NE/4 of Section 16, T1N, R11W and we were the successful bidder at \$4,200; one-fourth has been funded, as required by the School Land Commission, so there is a balance due for this year of \$3,150 and a funding source is needed. He said the documents must be signed and returned to the School Land Commission before their meeting on November 14. Vincent said they wanted to submit a plan to request the School Land Commission to allow the City to sublease this for agricultural purposes until the property is needed.

Mayor Powell said he had received a phone call on this and felt it was very important that we tell the people what this is all about and asked who wanted to do that. Shanklin said someone would have to do it before he would vote on it. Mayor Powell said his comment was in the newspaper and that he would not reveal what happens in executive session but we just need to step up to the plate and say what has happened, and when he saw this on the agenda, he thought it might need to come under the Water Authority and he discussed that because he had made that mistake not too long ago and did not want to do it again.

Vincent said it is anticipated that this is adjacent to the proposed site for the southeast water treatment plant, it would provide an excellent opportunity for additional recreational facilities, combined with the proposed southeast water treatment plant site when we go out for acquisition of that. He said this became available at this time and it was much less expensive to go ahead and secure the lease on the property for a five-year term rather than having to buy the lease out at the time it was needed and that was why they recommended going out for bid, and it would be used for recreational purposes.

Mayor Powell asked that the purpose be stated. Vincent said the purpose would be possibly an additional golf course for the City of Lawton. Shanklin said tell them it is a golf course, the taxpayers own this city. Mayor Powell said he was not going to betray anything but he had to be very honest with those people with the ink and he would be loyal to them and loyal to the person on the street so we just need to step up and say exactly what this is on the agenda for, and it is more than a recreational area, it is for one specific recreation if he had heard the story right.

Devine said he brought this to Council in executive session to let Council know what the intentions were and he felt like everybody was pretty well in favor of it. He said last year while he was in California he talked with some golf course management companies and we have a water plant that will be in place some day, and we also pump millions of gallons of water down Cache Creek every day that is not being used for anything to speak of and it would be an excellent opportunity to take that water and use it on a golf course. Devine said the management company said they would like to bring a proposal to the City if we had the land that they would build the golf course and run it and take the profits off of it for ten years then turn the golf course over to the City to receive the full profit. He said the most important items are land and water, and this land was being used for agriculture and he understood the School Land Commission did not want to lease or sell part of it but wanted the whole section and he felt the whole section being developed into a golf course would bring a lot more revenue, especially with the water not costing anything other than getting it to the golf course. Devine said that was why he brought it to Council in executive session where they might look into leasing the land and Vincent checked into it and we can sublease the land so it basically would not cost the City anything for the next four to five years until we see exactly where we are going with it.

Mayor Powell said Council may have to make a decision soon with regard to water coming from that plant and asked if someone wanted to buy that water, how it could affect this. Devine said he did not think it would under the circumstances of how much water we are pumping down there. Ihler said we dump about 12 million gallons a day into Nine Mile Creek. Devine said that could be used for revenue that would come into the City and make a major

difference; it was a minor amount of money to spend and we would not loose because we could sublease the land. He said one of the people he talked to was from the Lawton area and this population should support four to five golf courses, and Chickasha has a 27 hole golf course that does a good business and many of their customers are from Lawton.

Mayor Powell said he was not arguing for or against the proposal but was arguing that we need to tell the people what is going on. Devine said he was trying to do that. Mayor Powell said we all know now. Shanklin said he thought a public hearing should be held. Devine said he had no problem with that. Mayor Powell suggested that the people Devine talked to make a presentation before Council. Devine said he cannot go to Boston this year to visit with them further but maybe one of the other members can talk to them because they are eager to do these golf courses.

MOVED by Devine, SECOND by Smith, to approve this and take the money from the Council Contingency fund. (motion restated as shown below)

Shanklin said he felt it should be approved but that a public hearing should be held and suggested the motion be amended to include that provision. Devine said he would be more than happy to have a public hearing. Shanklin said it should be to have a public hearing for input from the citizens for a new municipal golf course; we are obligated for this land and he had no problem taking it from Council Contingency.

Devine asked to change his motion as follows: that this be passed but we have a public hearing, like Shanklin requested, and fund this from Council Contingency. Smith agreed to the restated motion and seconded it also.

Purcell said the golf course company representatives should be present for the public hearing. Shanklin said the hearing can be held in January or February. Mayor Powell said if something else should come along, the City would be the lessee but it could become the lessor. Vincent said they would be presenting a plan to sublease the property.

VOTE ON MOTION: AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

3. Consider an agreement with the Oklahoma Department of Transportation (ODOT) for the extension of SW Neal Boulevard under the Industrial Access Program. Exhibits: ODOT Agreement; Location Map.

Ihler said a resolution was approved last July requesting that ODOT fund the surfacing of Neal Boulevard for the extension to serve the Silver Line Plastics Facility in the West Industrial Park. The City was responsible for preparing the plans and specifications, obtaining the right of way, cost for subgrade road preparation, rock base, and ODOT would only be responsible for the surfacing. ODOT has agreed to pay for the surfacing not to exceed \$51,000.

MOVED by Shanklin, SECOND by Haywood, that the agreement with ODOT be approved and that 1995 CIP funds be used to fund the project.

Purcell said his problem was the funding source; the people voted last year to approve \$1.2 million for economic development for exactly what is shown in this item and the next item; it is infrastructure for economic development and we should be using the 2000 CIP. Shanklin asked why staff did not recommend the 2000 CIP. Purcell said he did not know.

SUBSTITUTE MOTION by Purcell, SECOND by Baxter, that the agreement with ODOT be approved and that the funding source be the 2000 CIP.

Mayor Powell said Council did not want to approve much money for economic development but they have been making good use of it.

Devine said he made a motion earlier for funds out of the 1995 CIP and there was debate on what it could be used for, now we are back trying to use it for something else but since a substitute motion has been made it does not really matter. He said you are told you cannot use money for something but in the same breath you are told you can use it for streets but before it was only to be used for water projects. Devine asked if he was wrong. Vincent said there were eight categories in the 1995 CIP that the money can be spent on and he was addressing the loader issue as it related to water lines.

Baker said there was a question as to why the 1995 CIP was recommended, as opposed to the 2000 CIP, and that was strictly a matter of cash flow; the 2000 CIP is coming monthly in the sales tax and we did project a plan for use of the money. The 1995 funds are available and there is no problem taking it out of the 2000 CIP.

VOTE ON SUBSTITUTE MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Haywood, Baxter. NAY: None. OUT: Moeller. MOTION CARRIED.

4. Consider approving plans and specifications for the Neal Boulevard Phase II Project #2000-38, ratifying the advertisement for bids and identifying a funding source for the roadway improvements and the waterline construction to serve the Silver Line Plastics Corporation facility. Exhibits: Map.

Ihler said this is connected to the previous item; the City is responsible for bidding the project and must have the money up front to fund it, so \$155,000 is requested for the roadway construction and ODOT will reimburse their \$51,000 or the amount of the surfacing costs not to exceed \$51,000.

MOVED by Haywood, SECOND by Purcell, to approve the item and fund from the 2000 CIP. AYE: Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

5. Consider authorizing staff to advertise for purchase of a large front end loader and identifying a funding source. Exhibits: None. (See Water Authority)

Mayor Powell said this item was tabled indefinitely during the Water Authority meeting held earlier tonight. The item was stricken from the agenda without further comment.

6. Consider approving and authorizing signature of an agreement to accept liquid waste at the Wastewater Treatment Plant and also solid waste at the Landfill. Exhibits: None. (See Water Authority)

MOVED by Shanklin, SECOND by Baxter, to approve the item. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Hanna. NAY: None. OUT: Smith. MOTION CARRIED.

COMMENTS:

Shanklin said regarding comments on the firefighters' contract in the newspaper on November 2 there were some statements made in there and he did not agree with all of them. He said he wanted the taxpayers to understand that this Council appointed three people to be our watchdog with the negotiating team and none of those three people came in and told Council they would not support this, except one who supported it all the way. Shanklin said we did have a problem with the 6% at the very end; he had a problem with the 12% but one of the watchdogs told him he was the one who put it on the table. He said he was worried about the comment that said the 6% could cost us \$30,000 to \$50,000 a year for the course of a fireman's career; the truth of the matter is in 1989 and 1990 we were funding \$127,000 for educational incentive; 11 years later it had grown by \$26,000 to \$143,000 which is 1.2% of their budget and for one to think that was the only reason he voted against it, he did not believe that. Shanklin said there is more than one side to this story and he would be happy to discuss it with anyone.

7. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Bill Baker as City Manager, and in open session, consider approving an Employment Agreement with Bill Baker as City Manager and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None.

MOVED by Smith, SECOND by Hanna, to convene in executive session as shown on the agenda and recommended by the City Attorney. AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:30 p.m. and reconvened in special, open session at approximately 8:02 p.m. with roll call reflecting all members present.

Mayor Powell reported executive session was held for the evaluation of Mr. Baker and asked if there was action to be taken on the floor at this time.

MOVED by Purcell, SECOND by Smith, to approve an employment agreement between Bill Baker as City Manager and authorize the Mayor and City Clerk to execute the agreement at an annual salary of \$95,000.00. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED. (Note: Baxter passed during first roll call.)

There being no further business to consider, the meeting adjourned at 8:04 p.m. upon motion, second and roll call vote.